

CLASSIFICATION OFFICE DECISION

Title of publication: sample_675629285005d570e2846a946ace9b2e.jpg

Other known title(s): Not stated

OFLC ref: 1900590.001

Medium: Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Invercargill District Court

Classification:	Objectionable.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 21 February 2020

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

Summary of reasons for decision:

The image file is classified objectionable under s 3(3)(b). It depicts a well-known anime character as a child, posed in a highly sexualised way with a focus on her genitals. Despite a potential parodic reading, the subversive aspect is overwhelmed by the crude sexualised imagery, and the image is exploitative of the young character's nudity. The right to freedom of expression affirmed by the New Zealand Bill of Rights Act 1990 has been considered. While viewers have a right to access material that offers humour and sexual stimulation, the right to freedom of expression does not extend to images whose availability is likely to be injurious to the public good. In light of the strong likelihood of injury of the promotion of attitudes that are likely to have a detrimental effect on society as a whole, the decision to ban the image file is reasonable and demonstrably justified.